

To: Tom Hagler/R9/USEPA/US@EPA[]
Cc: Karen Schwinn/R9/USEPA/US@EPA[]
From: "Nawi, David"
Sent: Fri 7/1/2011 9:33:51 PM
Subject: RE: MOU (UNCLASSIFIED)
<mailto:Hagler.Tom@epamail.epa.gov>

We should check in on Tuesday to determine how to move forward with the DWR/Corps permitting issues.

From: Tom Hagler [<mailto:Hagler.Tom@epamail.epa.gov>]
Sent: Thursday, June 30, 2011 2:44 PM
To: Nawi, David
Cc: Karen Schwinn
Subject: Fw: MOU (UNCLASSIFIED)

Sorry, I thought I copied you on the below.

The only thing I've learned today is that Patti Idlof is NOT drafting the project description for the 404 basic and overall project purpose statement. She's doing the NEPA purpose and need statements, but thinks the 404 basic and overall project purpose statement needs to come from the project applicant (DWR) and the Corps.

So we need to work that one through with DWR, since the Corps says they need a project description before they can do anything.

Tom Hagler
Assistant Regional Counsel
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75 Hawthorne Street, RC-2
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----- Forwarded by Tom Hagler/R9/USEPA/US on 06/30/2011 02:41 PM -----

From: Tom Hagler/R9/USEPA/US

To: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>

Cc:

Erin Foresman/R9/USEPA/US@EPA, Karen Schwinn/R9/USEPA/US@EPA, "Nepstad, Michael G SPK"
<Michael.G.Nepstad@usace.army.mil>

Date:

06/30/2011 09:44 AM

Subject:

RE: MOU (UNCLASSIFIED)

Paul -

As of right now, DWR counsel is charged with looping back to DOI Kaylee Allen and her BOR colleague Patti I. to get a collective agreement on what items are "in and out" of this permit.. That was up front at around pages 3-5 in our draft MOU. DWR counsel will come back with language on that set of clarifications, and will also check their understanding of how the Delta Stewardship Council "consistency determination" process applies to the BDCP.

This DSC issue arose because our draft MOU cited the consistency determination process as one of the BDCP activities that is either "in or out", and DWR doesn't necessarily agree. Given that this whole DSC process is brand new and is solely a state issue, I decided to let them figure out how best to word the description. It is not critical to the MOU except as background and defining what is and isn't covered.

So they are out today, tomorrow and Monday and said they would come back with language early next week.

Assuming no policy problems arising, we really ought to get this MOU signature ready by the end of next week.

Caveat: At various times, various people have said they want to wrap the first milestone (NEPA's purpose and need and 404's basic and overall project purpose) into the MOU. That will definitely slow things down. I think we have agreed on the federal side to work on them simultaneously but separately. However, if it is decided that you want to have the MOU do both, then we will need more time.

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From:

"Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>

To:

Tom Hagler/R9/USEPA/US@EPA

Cc:

Karen Schwinn/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>

Date:

06/30/2011 07:17 AM

Subject:

RE: MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Tom

Thanks for this. I did read it before our meetings with Mark & Jerry. When will DWR send us their comments? How many bites at the apple do you think they need? When should we be targeting a "sign on" date?

Best

Paul

-----Original Message-----

From: Hagler.Tom@epamail.epa.gov [mailto:Hagler.Tom@epamail.epa.gov]

Sent: Wednesday, June 29, 2011 12:14 PM

To: Robershotte, Paul J SPD

Subject: Re: MOU (UNCLASSIFIED)

Paul - I left a long message for Karen, so she can fill you in. Nothing major or showstoppers. They want to clarify "what's in and what's out" and make sure the table of BDCP actions reflects everyone's common understanding. But those are do-able issues.

So unless you guys come up with some policy problems, I think the MOU itself is a pretty quick resolution.

Tom Hagler

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From: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
To: Tom Hagler/R9/USEPA/US@EPA
Cc: Karen Schwinn/R9/USEPA/US@EPA, "Nepstad, Michael G SPK"
<Michael.G.Nepstad@usace.army.mil>
Date: 06/29/2011 09:28 AM
Subject: MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Tom

I hope to check in with Mark/Jerry this afternoon on MOU. Did you get any update or did anything material surface from DWR Counsel?

Best,

Paul

Paul J Robershotte

Special Advisor

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Caveats: NONE

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Caveats: NONE